

रजिस्टर्ड नं० पी०/एस० एम० 14.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 17 जून, 1978/27 ज्येष्ठ, 1900

हिमाचल प्रदेश सरकार
PANCHAYATI RAJ DEPARTMENT

NOTIFICATION

Simla-2, the 16th June, 1978

No. Pch-H-A(3)-7/76.—In exercise of the powers vested in him under section 68 of the Himachal Pradesh Panchayati Raj Act, 1968 (Act No. 19 of 1970), the Governor, Himachal Pradesh, proposes to make the following amendments in the Himachal Pradesh Gram Panchayat Rules, 1971, and the same are hereby published in the Official Gazette for the information of the general public and a notice is hereby given that these draft amendments will be taken into consideration after ten days from the date of their publication in the Official Gazette.

If any person effected thereby, desires to take any objection, or has any suggestion, to make, regarding these amendments, he can send the same to the Director of Panchayati

Raj, Himachal Pradesh, Simla-171002 before the expiry of the above period. The objections or suggestions, if any so received, will be taken into consideration before finalizing these drafts amendments:—

DRAFT AMENDMENTS

1. *Substitution of clause (f) of rule 2.*—For the existing clause (f) of rule 2 of the Himachal Pradesh Gram Panchayat Rules, 1971 (hereinafter called the “said rules”), the following clause (f) shall be substituted, namely:—

“(f) “population” means population as recorded in the register prepared and maintained by the Gram Panchayat under rules 5 and 6 of the said rules;”

2. *Substitution of rule 6.*—For the existing rule 6 of the said rules, the following rule 6 shall be substituted, namely:—

“6. (1) The register under rule 5 shall be prepared by the Panchayat Secretary, or in his absence by the Gram Sewak or in the absence of both by the village Patwari, and shall be varified by the Block Development Officer and in his absence by the District Panchayat Officer or by their nominees.

(2) At the close of each calendar year, the entries in the family register prepared under rule 5 shall be revised and all entries pertaining to births and deaths and other changes in any family, qualifications and disqualifications of any member or addition of any new family which have occurred during the preceding year *i. e.* by the 31st day of December, shall be made by the Panchayat Secretary, or in his absence by the Gram Sewak or in the absence of both by the village Patwari, in Part I or Part II, or both as the case may be.

(3) The register shall be revised and brought up-to-date under sub-rule (2) by the 31st January of each year. A public notice to the effect that,—

(a) the register has been revised and brought up-to-date under sub-rule (2);

(b) the register as revised is available for public inspection for a period of 15 days (excepting the public holidays) between 10.00 A. M. to 5.00 P. M. in the office of the Gram Panchayat;

(c) if any person has to make any objection with regard to any entry or any omission in the register he can make the objection to that effect to the Secretary of the Gram Panchayat, or Gram Sewak or village Patwari, as the case may be within the said period of 15 days;

shall be posted in the office of the Gram Panchayat and that other conspicuous places in the Gram Sabha area.

(4) The revised entries made in the register under sub-rule (2) and the objections received under sub-rule (3) shall be taken into consideration, disposed of and verified by the Block Development Officer and in his absence by the District Panchayat Officer or by their nominees.

(5) Notwithstanding anything to the contrary contained in the rule, the State Government, if it is of the opinion that it is expedient to do so in the

public interest, may, at any time, order the periodical revision of the entries in the register maintained under rule 5 or revised under this rule. For making such revision, the provisions of this rule, excepting the time limits prescribed for inviting public objections which may be reduced to seven days shall be applicable as far as possible.

3. *Substitution of Rule 19-A.*—For the existing rule 19-A of the said rules the following rule 19-A shall be substituted, namely:—

“19-A (1) If no woman is elected as a Panch of any Gram Panchayat or a Scheduled Caste member is required to be co-opted under sub-section (1) of section 9 of the Act, a meeting of the Gram Panchayat shall be called by the Pradhan or Up-Pradhan in the absence of the former, for the purpose of co-option of such members and in such a meeting, the Gram Panchayat shall co-opt woman and Scheduled Caste Panches by majority vote which shall be recorded by show of hands:

Provided that no person shall be co-opted as Panch unless he is qualified to be elected as a Panch of the Gram Panchayat.

(2) The proceedings of the meeting of the Gram Panchayat in which the co-option is held shall be recorded in the proceeding book of the Panchayat and a copy thereof shall be sent to the Deputy Commissioner who will notify the names of co-opted panches as soon as he receives the proceedings of the meeting of the Panchayat.

(3) Before entering upon the duties of their office, the co-opted panches shall take an oath as required under sub-section (1) of section 10 of the Act which shall be administered by the Pradhan or in his absence by the Up-Pradhan in the meeting which such panch attends for the first time.

(4) The proceedings of co-option shall not be taken up unless two-third majority of the elected panches are present in the meeting.

(5) Any dispute relating to co-option in a Gram Panchayat shall be decided by the Sub-Divisional Officer (Civil) after taking such evidence as he may deem fit and his order thereon shall be final.”.

4. *Substitution of rule 36.*—For the existing rule 36 of the said rules, the following rule 36 shall be substituted, namely:—

“36. The Director may permit a Gram Panchayat to establish and maintain a Contributory Provident Fund on behalf of its servants and to grant gratuity to any servant or his legal heirs, as may be determined by the Director, out of the funds of the Gram Panchayat.”.

5. *Amendment of rule 45.*—In rule 45 of the said rules, the words “Gram Panchayat” shall be substituted for the words “Nyaya Panchayat.”.

ELECTION DEPARTMENT

NOTIFICATION

Simla-171002, the 17th June, 1978

No. 4-3/76-Elec.—In exercise of the powers conferred by sections 255 and 273 of the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968), the Governor, Himachal Pradesh proposes to make the following amendments in the Himachal Pradesh Municipal Election Rules, 1970, published in the Rajpatra, Himachal Pradesh (Extraordinary), dated 2nd July, 1971 *vide* this Government notification No. 6-15/68-Elec., dated the 20th May, 1971 and the same are hereby published in the Official Gazette for the information of the persons likely to be affected thereby and a notice is hereby given that these draft rules will be taken into consideration after the expiry of the period of 7 days from the date of the publication of this notification in the Rajpatra, Himachal Pradesh.

If any person affected thereby, desire to take any objection, or has any suggestion to make, regarding these proposed amendments, he can send the same to the Secretary (Elections) to the Government of Himachal Pradesh within the time specified above. The objections or suggestions, if any, so received, will be taken into consideration before making the proposed amendments in the aforesaid rules:—

DRAFT OF PROPOSED AMENDMENTS

1. Short title and commencement.—(1) These rules shall be called the Himachal Pradesh Municipal Election (Second Amendment) Rules, 1978.

(2) They shall come into force at once.

2. Substitution of Rule 28.—Rule 28 of the Himachal Pradesh Municipal Election Rules, 1970 shall be substituted as under:—

“28—Convening of meeting of newly constituted committee by the Deputy Commissioner, Co-option of Women Members and Election of President/Vice-President.

28(1) The Deputy Commissioner or any Gazetted Officer appointed by him in this behalf shall, within a period of 14 days of the date of the Notification of the appointment and election of the member of such Committee fix at 48 hours' notice, a date for the first meeting of a newly constituted Committee, stating in such notice that at such meeting the oath of allegiance will be administered under Section 23(1) of the Act to the members present and co-option of women members shall be done under Section 11-A of the Act. The meeting presided over by the aforementioned officer shall be deemed to be a validly convened meeting of the Committee notwithstanding anything contained in any bye-laws made under the provisions of section 30(1) of the Act, and the administration of oath of allegiance and co-option of women members shall be recorded as part of the proceedings in the minutes of the meeting.

(2) The Deputy Commissioner or any Gazetted Officer appointed by him in this behalf immediately after the notification of the co-opted members shall fix another meeting by giving a 48 hours' notice to the elected and co-opted members stating in such notice that at such meeting the election of President/Vice President(s) will be held. In this meeting, oath of allegiance shall be administered to the co-opted members and any other member who was not present at the meeting convened under the provisions of sub-rule (1). Thereafter, the President/Vice-President(s) will be elected. The meeting presided over by the aforementioned officer shall be deemed

to be a validly convened meeting. The administration of oath of allegiance to the co-opted members and the election of President/Vice President(s) shall be recorded as a part of the proceedings in the minutes of the meeting.

(3) The Deputy Commissioner may in the absence of or illness both of the President and the Vice-President(s) or if the office of the President or Vice-President(s) are vacant, convene a meeting of the Committee and the members present thereat, shall elect a member to be the Chairman of the meeting and may transact any business at such meeting which shall be deemed to be validly convened meeting of the Committee notwithstanding anything contained in any bye-law made under the provisions of section 30 of the Act."

By order,

H. S. DUBEY,
Secretary.

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